

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

Warren Easterling, r

*Plaintiff,*

v.

Case No. 3:17-cv-067  
Judge Thomas M. Rose

TJK-ELS West End Inc., doing business as  
Domino's Pizza,

*Defendant.*

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**ENTRY AND ORDER ADOPTING REPORT AND  
RECOMMENDATIONS OF MAGISTRATE JUDGE MICHAEL J.  
NEWMAN (ECF 16), DENYING PLAINTIFF'S MOTION FOR A  
PRELIMINARY INJUNCTION (ECF 2), FINDING MOOT  
DEFENDANT'S MOTION TO DISMISS (ECF 12), OVERRULING  
PLAINTIFF'S OBJECTIONS (ECF 17), GRANTING DEFENDANT'S  
MOTION TO DISMISS (ECF 14), AND TERMINATING CASE.**

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This case is before the Court on Plaintiff's Motion for a Preliminary Injunction (ECF 2), Magistrate Judge Michael J. Newman's Report and Recommendations, (ECF 16), Plaintiff Warren Easterling's Objections to the Report and Recommendations, (ECF 17), Defendant's Motion to Dismiss (ECF 12), and Plaintiff Warren Easterling's Motion for Relief from Judgment. (ECF 14). The Report and Recommendation would have the Court deny Plaintiff's Motion for a Preliminary Injunction (ECF 2), find moot Defendant's Motion to Dismiss (ECF 12), grant Defendants Amended Motion to Dismiss (ECF 14), dismiss without prejudice Plaintiff's Complaint (ECF 1-1), and terminate this case.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case, taking into consideration all objections. Upon said review, the Court finds that the objections, (ECF 17), to Report and Recommendations, (ECF 16), are not well taken and they are hereby **OVERRULED**. Wherefore, the Court **ADOPTS IN FULL** the Magistrate Judge's Report and Recommendations. (ECF 16) Plaintiff's Motion for a Preliminary Injunction (ECF 2) is **DENIED**, Defendant's Motion to Dismiss (ECF 12) is **MOOT**, Defendant's Amended Motion To Dismiss (ECF 14) is **GRANTED**, Plaintiff's Complaint (ECF 1-1) is **DISMISSED WITHOUT PREJUDICE**, and the instant case is **TERMINATED**.

**DONE** and **ORDERED** in Dayton, Ohio, on Tuesday, October 3, 2017.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE